

United States District Court**for****Southern District of Ohio****Petition for Warrant or Summons for Offender Under Supervision**Name of Offender: **Marcus Williams**Case Number: **CR-1-02-30-2**Name of Sentencing Judicial Officer: **The Honorable Herman J. Weber, United States Senior District Judge**Date of Original Sentence: **January 17, 2003**Original Offense: **Count One-Distribution of Excess of Five Grams of Cocaine Base, A violation of 21 U. S.C. Section 841 (a) (1)**Original Sentence: **Sixty-three months imprisonment. Four years Supervised release.****Special Conditions Ordered:**

- 1. Participate in substance abuse treatment and testing program at the direction of the Supervising Probation Officer.**
- 2. Pay any balance on the \$1,500 fine. Until the fine is paid in full, the defendant is prohibited from incurring new credit charges and shall provide the Probation Officer access to any requested financial records.**
- 3. Pay \$100 special assessment.**

Type of Supervision: **Supervised Release**Date Supervision Commenced: **August 21, 2006**Assistant U.S. Attorney: **Kenneth L. Parker, Esq.**Defense Attorney: **Richard Smith-Monahan, Esq.**

PETITIONING THE COURT

- ☐ To issue a warrant
- ☒ To issue an Order to Appear and Show Cause
- ☐ To grant an exception to revocation without a hearing.

Violation NumberNature of Noncompliance

#1

Mr. Williams has allegedly violated the mandatory supervised release condition which States: 'The releasee shall not commit another federal, state, or local crime.' On December 6, 2007, Mr. Williams was arrested by officers of the Central Vice Control Section (CVCS) of the Cincinnati, Ohio Police Department. These officers, in cooperation with the Drug Enforcement Administration, conducted surveillance regarding alleged narcotics activities at 860 Windham Avenue in Cincinnati, Ohio. A number of individuals were observed as they entered the above residence and only remained for short periods of time. One of these individuals was stopped after a traffic violation and reported that h/she had just purchased some cocaine at the first floor residence at 860 Windham Avenue. One of the CVCS surveillance units observed Marcus Williams as he exited the above address and followed him to an Auto Zone Store located on Reading Road in Cincinnati, Ohio. The police stopped Williams, who was identified by CVCS units following him, at the Auto Zone. Subsequently, officers arrived at the above Windham Avenue address with a search warrant. During the execution of the search warrant on the first floor apartment, officers seized approximately 1,160 grams of cocaine, a loaded Bersa 40 caliber semi-automatic handgun, \$11,000

in U. S. Currency and personal papers and clothing belonging to Marcus Williams. The 860 Windham Avenue address was determined to be approximately 1,000 feet from Xavier University.

Mr. Williams was initially ordered detained by the Honorable Timothy S. Black on December 12, 2007, in lieu of \$10,000 bond-10%. The offender was released on bond on December 13, 2007, and was placed on electronic monitoring. On March 5, 2008, Mr. Williams appeared in U. S. District Court and pled guilty to a one count information which charged him with Maintaining a Place Used for the Purpose of Distributing in Excess of 500 grams of cocaine. The offender is scheduled to appear in U. S. District Court for the purpose of sentencing on June 5, 2008, at 10:00 AM.

#2

The offender has also allegedly violated the standard supervised release condition which states: "The defendant shall refrain from the excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances except as prescribed by a physician." On November 6, 2007, Mr. Williams submitted a urine specimen at the U. S. Probation Office. This specimen was returned positive for cocaine metabolite.

U.S. Probation Officer Recommendation: Mr. Williams is currently on electronic monitoring, has reported as directed, and has obtained all negative urine test results for all drugs tested since his release on bond for the new federal offense of conviction. This officer does not feel that the issuance of an arrest warrant is necessary at this time.

The term of supervision should be

- ☒ Revoked.
☐ Extended for years, for a total term of years.
☐ Continued based upon the exception to revocation under 18 USC 3563(e) or 3583(d)
☐ The conditions of supervision should be modified as follows:

I declare under penalty of perjury that
the foregoing is true and correct.

Executed on May 29, 2008


David Backman

U.S. Probation Officer

Approved,

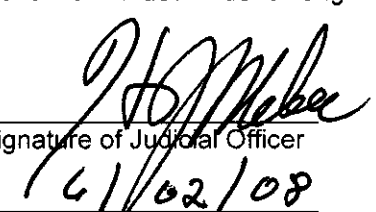

John Cole

Supervising U.S. Probation Officer

Date: **May 29, 2008**

THE COURT ORDERS:

- ☐ No Action
☐ The Court finds that there is probable cause to believe the defendant has violated the conditions of his/her probation/supervised release and orders the Issuance of a Warrant for his/her arrest.
☒ The Issuance of an Order to Appear and Show Cause
☐ The Court finds the defendant can benefit from continued substance abuse treatment and grants an exception to revocation. The supervision term of the defendant is continued under all original terms and conditions. ☐ Other


Signature of Judicial Officer

Date 6/1/08
